

RECEIVED
CENTRAL FAX CENTER

SEP 11 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Donn P. Cummings

Serial No.: 10/821,632

Filed: April 9, 2004

For: PLANTS AND SEEDS OF CORN
VARIETY I082216

Group Art Unit: 1638

Examiner: Bui, Phuong

Atty. Dkt. No.: DEKA:351US

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8

I certify that this correspondence is being transmitted to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, facsimile number (571) 273-8300 on the date
below:

September 11, 2006
Date


Robert E. Hanson

TELEPHONIC INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

On August 2 and August 7, 2006, Applicants' undersigned representative and Examiner Bui held a telephonic interviews to discuss the case. On August 2 Applicants noted that the arguments submitted on the record establish the patentability of the claims under rejection and further noted that the information requested in the 37 C.F.R. §1.105 Request is irrelevant to patentability given the distinctiveness of the claimed variety. The Examiner agreed to review the case and in a subsequent call on August 7 indicated that the case would be allowable with entry of the amendments reflected in the Examiner's Amendment mailed with the Notice of Allowance

25695151.1

and that the 37 C.F.R. §1.105 Request is moot in view of the arguments presented and breeding history information provided in the specification. An agreement was therefore reached to enter the Examiner's Amendment, withdraw the 105 Request and allow the case.

Applicants would like to thank the Examiner for the time taken to discuss the case.

Respectfully submitted,



Robert E. Hanson
Reg. No. 42,628
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3085

Date: 9/11/06